

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

FERNANDO NEVAREZ-CARREON,

Defendant.

8:14CR324

ORDER

This case came before the Court on an Amended Petition for Action on Conditions of Pretrial Release (#99). On May 5, 2017 Pretrial Services Officer Quintin Erdman submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

On July 13, 2015, at 10:30 AM, the defendant failed to appear for sentencing before Chief U.S. District Judge, Laurie Smith Camp. Defense counsel advised the defendant suffered a heart attack and went to seek medical attention. The hearing was continued to July 14, 2015. On July 14, 2015, the defendant failed to appear.

On March 29, 2017, the defendant was apprehended in the Norther District of Iowa. Pretrial Services spoke to the defendant prior to the Rule 5 hearing. During that conversation, the defendant revealed he had been unlawfully working under the alias, Raphael Cervantes.

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on May 5, 2017. Thomas O. Campbell represented the Defendant. Frederick D. Franklin, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Quintin Erdman dated May 5, 2017. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#14) should be revoked. I find Defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure Defendant's

presence for further proceedings, or the safety of the community if Defendant were to be released upon conditions.

IT IS ORDERED:

1. The Amended Petition for Action on Conditions of Pretrial Release (#99) is granted;
2. The Order Setting Conditions of Release (#14) is hereby revoked; and
3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 5th day of May, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge